

AMENDED IN SENATE JUNE 3, 2003  
AMENDED IN ASSEMBLY APRIL 2, 2003  
AMENDED IN ASSEMBLY MARCH 18, 2003  
AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 202**

**Introduced by Assembly Member Corbett**

January 28, 2003

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An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, as amended, Corbett. Birds: sale.

Existing law contains several requirements applicable to pet dealers of dogs and cats and provides that those provisions are not applicable to publicly operated pounds and humane societies.

This bill would prohibit a pet shop, as defined, from possessing unweaned birds, unless certain conditions are met. It would also prohibit a pet shop *and a defined vendor* from selling an unweaned bird. This bill would provide that these provisions do not apply to publicly operated pounds and humane societies ~~or, under specified circumstances, to aviaries and breeders~~. This bill would provide that any person violating any of these provisions is subject to a civil penalty, as specified. *This bill would specify that it will become operative on September 1, 2004.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 6 (commencing with Section 122320)  
is added to Part 6 of Division 105 of the Health and Safety Code,  
to read:

CHAPTER 6. SALE OF BIRDS

122320. As used in this chapter:

(a) “Bird” means any order of Psittaciformes bird.

(b) “Bird mart” means an event at which two or more persons  
offer birds for sale or exchange and where a fee is charged for the  
privilege of offering or displaying the birds.

(c) “Pet shop” means a retail pet shop primarily engaged in  
retailing pets, pet foods, and pet supplies, as defined by the North  
American Industry Classification System.

~~(e)~~

(d) “Sale” has the same meaning as retail sale as defined in  
Section 6007 of the Revenue and Taxation Code.

(e) “Time of sale” means the calendar date the retail purchaser  
removed the bird from the premises of the pet shop following the  
retail sale of that bird.

~~(d)~~

(f) “Unweaned bird” means any bird that is unaccustomed to  
eating enough food without human or animal assistance to sustain  
at least 90 percent of its own weight for at least two weeks.

(g) “Vendor” means a broker, agent, aviary, or breeder who  
sells birds directly to the retail purchaser at a bird mart or at a swap  
meet as defined in Section 21661 of the Business and Professions  
Code.

122321. (a) A pet shop with five or fewer employees may not  
possess an unweaned bird unless the pet shop employs at least one  
~~certified avian specialist who is certified by the Pet Industry Joint~~  
~~Advisory Council.~~ *person who has completed the Pet Industry*  
*Joint Advisory Council’s avian certification program.*

(b) A pet shop with six or more employees may not possess an  
unweaned bird unless the pet shop employs at least two ~~certified~~

~~avian specialists who are certified by the Pet Industry Joint  
Advisory Council; people who have completed the Pet Industry  
Joint Advisory Council's avian certification program.~~

(c) A pet shop may not sell an unweaned bird.

(d) A vendor may not sell an unweaned bird at a swap meet or  
bird mart.

122322. (a) Any person violating any provision of this  
chapter shall be subject to a civil penalty of up to one thousand  
dollars (\$1,000) per violation. The action may be prosecuted in the  
name of the people of the State of California by the district attorney  
for the county where the violation occurred in the appropriate  
court or by the city attorney in the city where the violation  
occurred.

(b) Nothing in this chapter limits or authorizes any act or  
omission that violates Section 597 of the Penal Code.

122323. ~~(a)~~ This chapter does not apply to publicly operated  
pounds and humane societies.

~~(b) This chapter does not apply to aviaries and breeders  
primarily engaged in bird production activities, as defined by the  
North American Industry Classification System, that engage in at  
least one of the following activities:~~

~~(1) Raising birds;~~

~~(2) Raising a combination of animals, with no one animal or  
family of animals accounting for one-half of the establishment's  
agricultural production.~~

122324. This chapter shall become operative on September 1,  
2004.

CORRECTIONS

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